

Application Serial No. 10/606,457
Attorney Docket No.: 60027.0202US01/BS02360

REMARKS

This Amendment is in response to the non-final Office Action mailed November 14, 2006. Claims 1-5, 7-27, and 29-37 are pending in the present application. Claims 1-5, 7-27, and 29-37 were examined and rejected in the Office Action. Applicant respectfully requests examination and reconsideration in view of the following remarks.

Objection to Claim 9

Claim 9 was objected to for containing informalities. Applicants have corrected claim 9 to clearly depend from claim 3.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1, 2, 4, 5, 7, and 8 were rejected under 35 U.S.C. 102(e) as being anticipated by Lawson et al., U. S. Patent Application Publication No. 2004/0114733 A1 (hereinafter, "Lawson"). Amended claim 1 is allowable over Lawson at least because it recites "receiving a request for a stored text information message and prior to receiving the request for a stored text information message, storing one or more text information messages for access by the voice information application." The Office Action acknowledges that Lawson does not disclose prior to receiving the request for a stored text message, storing one or more text information messages. See Office Action, page 13, lines 10-12. Thus, claim 1 is allowable over Lawson.

Dependent Claims

At least because claims 2, 4, 5, 7, and 8 inherit the language of allowable independent claim 1, claims 2, 4, 5, 7, and 8 are also allowable over Lawson.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3, 9-14, 16-20, 24-27, and 29-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Cloutier et al., U.S. Patent No. 6,535,586 B1 (hereinafter, "Cloutier"). Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Cloutier as applied to claim 14, and further in view of Johnstone et al., U. S. Patent No. 4,462,080 (hereinafter, "Johnstone"). Claims 21-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of

Application Serial No. 10/606,457
Attorney Docket No.: 60027.0202US01/BS02360

Cloutier as applied to claim 20, and further in view of Hartselle et al., U.S. Patent Application Publication No. 2004/0213385 A1 (hereinafter, "Hartselle"). Independent claims 24 and 29 have been amended and Applicant respectfully submits that Lawson in view of Cloutier, and further in view of Hartselle does not make obvious each and every feature of amended claims 24 and 29.

Claims 24 and 29

Amended independent claims 24 is not made obvious by the cited references at least because amended claim 24 recites, among other features, "receiving a request for a stored text information message and prior to receiving the request for a stored text information message, storing one or more text information messages for access by the voice information application." Claim 29 has a similar recitation. The Office Action acknowledges that Lawson in view of Cloutier does not disclose prior to receiving the request for a stored text message, storing one or more text information messages. See Office Action, page 13, lines 10-12. However, the Office Action relies on Hartselle to resolve the deficiencies of Lawson and Cloutier. (See Office Action page 13, lines 8-12).

Applicant respectfully traverses the 103 rejections because the Office Action does not make a *prima facie* case of obviousness over amended claims 24 and 29. In order to make a *prima facie* case of obviousness, the Office Action must set forth prior art that teaches or suggests every claim limitation. (See MPEP § 2143.) The reference Hartselle would only qualify as prior art under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102. Thus, according to 35 U.S.C. §103, Hartselle shall not preclude patentability because Hartselle and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person according to reel/frame 012854/0214. Accordingly, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Lawson in view of Cloutier, and further in view of Hartselle is inappropriate. Thus, amended claims 24 and 29 are allowable over Lawson in view of Cloutier and Hartselle.

Dependent Claims

At least because claims 3, 9-15, 16-20, 22-27, and 29-37 inherit the language of allowable independent claims 24 or 29, claims 3, 9-15, 16-20, 22-27, and 29-37 are also

Application Serial No. 10/606,457
Attorney Docket No.: 60027.0202US01/BS02360

allowable over Lawson in view of Cloutier, Johnstone and/or Hartselle alone, or in combination.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
404-954-5041

Dated: February 14, 2007



Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Murrell W. Blackburn". The signature is written in a cursive, flowing style.

Murrell W. Blackburn
Reg. No. 50,881